

1 **UNITED STATES DISTRICT COURT**

2 **DISTRICT OF NEVADA**

3 * * *

4 TIARE RAMIREZ,

Plaintiff

5 v.

6 WYNN LAS VEGAS, LLC,

7 Defendant

Case No. 2:19-cv-1174-APG-EJY

**ORDER GRANTING IN PART
PLAINTIFF'S MOTION IN LIMINE
REGARDING HER UNION GRIEVANCE**

(ECF No. 111)

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9 Tiare Ramirez moves to preclude references during trial to the union grievance she
10 submitted. ECF No. 111 at 6. During the October 1, 2024 hearing on Ramirez's omnibus motion
11 *in limine*, I ruled that statements Ramirez made in connection with that grievance may be
12 admissible under Federal Rule of Evidence 801(d)(2)(A). But I grant Ramirez's request to
13 preclude evidence and testimony about the union dropping the grievance shortly before the
14 arbitration hearing.

15 Wynn argues that the union likely dropped Ramirez's grievance because of her
16 "misconduct, dishonesty, and misuse." ECF No. 117 at 10. Wynn's counsel admitted at the
17 October 1 hearing that this speculation is based solely on Ramirez's deposition testimony that the
18 union did not give her a reason why it dropped the grievance. Wynn offers no statement or
19 evidence from the union to support Wynn's proffered reason, and Ramirez's testimony is
20 insufficient to establish it. The jury would be left to speculate as to the union's reason. Without
21 any evidentiary basis to explain the union's reason, this evidence has no probative value.

22 Wynn relies on *Beauvais v. City of Inkster*, No. 16-CV-12814, 2018 WL 774149 (E.D.
23 Mich. Feb. 8, 2018), in which the court allowed evidence about a union dropping a grievance
before arbitration. But in that case, the union concluded that plaintiff Beauvais had deliberately

1 falsified records, that her falsification was material, and that the defendant City had acted
2 promptly and in good faith when it discovered the falsification. 2018 WL 774149, at *2. Here,
3 there is no evidence indicating why the union dropped Ramirez's grievance before the
4 arbitration, and there could be many reasons. It would be improper for the jury to speculate as to
5 the union's reasons. And delving deeply into this issue could result in a mini-trial as to the
6 union's reasons, resulting in confusion and a waste of time. Thus, what little, if any, probative
7 value such evidence has is substantially outweighed by its prejudicial effects and the resulting
8 confusion, time waste, and jury speculation. Therefore, such evidence and testimony is excluded
9 by FRE 403.

10 I THEREFORE ORDER that Ramirez's motion in limine regarding her union grievance
11 **(ECF No. 111) is granted in part.**

12 DATED this 3rd day of October, 2024.

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15 ANDREW P. GORDON
16 CHIEF UNITED STATES DISTRICT JUDGE
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